HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.10156 OF 2000

Between:

N. Rangaswamy Reddy

… Petitioner

AND

The Transmission Corporation of Andhra Pradesh Limited,
Rep., by its Chairman, Vidyuth Soudha, Somajiguda,
Hyderabad and two others

… Respondents.

:: O R D E R ::

Counsel for the petitioner : Shri P. Chakravarthy for
Shri O. Manohar Reddy

Counsel for the respondents : Shri Samineni Kishore

February 7, 2007

The petitioner, who possesses the qualification of B.E (Civil Engineering) and who claims to have worked as a contract labour from 1991 to 12-8-1997 has prayed for issue of a writ of certiorari to quash communication dated 25-4-2000 vide which Superintending Engineer, Operation, Anantapur (respondent No.3 herein) rejected his candidature for appointment as Sub Engineer (Electrical).

It is borne out from the record that the petitioner had filed Writ Petition No. 2545 of 2000 for issue of a mandamus to the respondents to consider his candidature for appointment as Sub Engineer in accordance with the policy enshrined in B.P.Ms.No.36 dated 18-5-1997 issued by erstwhile Andhra Pradesh State Electricity Board (for

short, 'the Board'). The same was disposed of by the learned Single Judge on 7-4-2000 by directing respondent No. 3 to consider the petitioner's case in accordance with the policy contained in B.P.Ms.No.36, dated 18-5-1997. In compliance of the Court's order, the petitioner's candidature was considered by respondent No.3, but he was not found eligible to be appointed and his candidature was rejected on the ground that the service certificate produced by him at the time of interview was not counter signed by any Board official and also on the ground that he had produced fictitious service certificate.

I have heard learned counsel for the parties and perused the record. In my opinion, it is not necessary to go into the issue whether the service certificate produced by the petitioner was genuine or not, because I am convinced that the petitioner was not eligible to be appointed as Sub Engineer (Electrical), because he did not possess the qualification prescribed for appointment on that post. There is no dispute between the parties that for recruitment as Sub Engineer, the qualification prescribed is diploma in Civil/Electrical/Mechanical/Telecommunication or any equivalent qualification recognised by the Government of Andhra Pradesh or the Board and does not possess the qualification prescribed for that post. Therefore, the rejection of his candidature cannot be declared illegal.

In view of the above, it must be held that even though the reason assigned by respondent No. 3 for rejecting the petitioner's candidature is not legally sustainable, his claim for appointment as Sub Engineer (Electrical) cannot be entertained and mandamus cannot be issued to the respondents to appoint him as Sub Engineer (Electrical), because he does not have the minimum qualification prescribed for that post.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP No. 12937 of 2000 filed by the petitioner is disposed of as infructuous.

G.S.SINGHVI, C.J.

February 7, 2007

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